

***Hearing Date and Time: July 22, 2010 at 10:00 a.m.***  
***Objection Deadline and Time: June 7, 2010 at 4:00 p.m.***

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
Attorneys for Defendant  
500 Fifth Avenue, Suite 1815  
New York, NY 10018  
Telephone: (212) 704-4400  
Fax: (212) 704-4410  
Susan I. Robbins (SR 5759)

and

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
Attorneys for Defendant  
150 West Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
Telephone: (313) 963-6420  
Fax: (313) 496-8450  
Email: hutchinson@millercanfield.com  
Donald J. Hutchinson

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

DPH HOLDINGS CORP., *et al.*

Debtors.

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DELPHI CORPORATION, *et al.*,

Plaintiffs,

VS.

KOSTAL, KOSTAL MEXICANA, KOSTAL  
MEXICANA S.A. DE C.V., and KOSTAL OF  
AMERICA, INC.,

Defendant.

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Chapter 11

Jointly Administered  
Case No. 05-44481-RDD

Adversary Proceeding No.  
07-02712-RDD

**JOINDER OF KOSTAL OF AMERICA INC. IN CERTAIN**

**MOTIONS TO: (I) VACATE CERTAIN PRIOR ORDERS OF THE COURT  
ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS; (II)  
DISMISS THE COMPLAINT WITH PREJUDICE; OR (III) IN THE ALTERNATIVE,  
TO REQUIRE PLAINTIFFS TO FILE A MORE DEFINITIVE STATEMENT**

1. Kostal of America Inc. (“Defendant”), by its attorneys, Miller, Canfield, Paddock and Stone, P.L.C., hereby joins and adopts with respect to the above captioned adversary proceeding (“Adversary Proceeding”), the arguments set forth in the Motions, together with the supporting memorandum, set forth on Exhibit A attached hereto (“Motions”). In the interest of legal and judicial efficiency Defendant will not reiterate the arguments which have already been made in the Motions. Instead, Defendant hereby incorporates by reference, as if fully stated herein, the arguments stated in the Motions.

Wherefore, Kostal of America Inc., by its undersigned attorneys, joins and adopts the arguments set forth in Motions, and respectfully requests that any relief granted for the benefit of one or more adversary proceeding defendants be granted for Kostal of America Inc.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By /s/ Donald J. Hutchinson

Donald J. Hutchinson (P39545)  
Attorneys for Kostal of America Inc.  
150 West Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
Telephone: (313) 963-6420  
Fax: (313) 496-8450  
Email: hutchinson@millercanfield.com

Dated: July 9, 2010

**EXHIBIT A**

- MOTION BY WAGNER-SMITH COMPANY SEEKING AND ORDER (I) PURSUANT TO FED. R. CIV. P. 60 AND FED. R. BANKR. P. 9024, VACATING PRIOR ORDERS ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS, INCLUDING THOSE COMMENCED BY THE DEBTORS UNDER 11 U.S.C. 541, 544, 545, 547, 548, OR 549, AND EXTENDING THE TIME TO SERVE PROCESS FOR SUCH ADVERSARY PROCEEDINGS, AND (II) PURSUANT TO FED. R. CIV. P. 12(B) AND FED. R. BANKR. P. 7012(B), DISMISSING THE ADVERSARY PROCEEDING WITH PREJUDICE, OR (III) IN THE ALTERNATIVE, DISMISSING THE ADVERSARY PROCEEDING ON THE GROUND OF JUDICIAL ESTOPPEL, Dated February 5, 2010 Docket No. 19401 In Base Case

- MOTION BY MICROCHIP TECHNOLOGY INCORPORATED SEEKING AN ORDER (I) PURSUANT TO FED. R. CIV. P. 60 AND FED. R. BANKR. P. 9024, VACATING PRIOR ORDERS ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS, INCLUDING THOSE COMMENCED BY THE DEBTORS UNDER 11 U.S.C. 541, 544, 545, 547, 548, OR 549, AND EXTENDING THE TIME TO SERVE PROCESS FOR SUCH ADVERSARY PROCEEDINGS, AND (II) PURSUANT TO FED. R. CIV. P. 12(B) AND FED. R. BANKR. P. 7012(B), DISMISSING THE ADVERSARY PROCEEDING WITH PREJUDICE, OR (III) IN THE ALTERNATIVE, DISMISSING THE ADVERSARY PROCEEDING ON THE GROUND OF JUDICIAL ESTOPPEL, Dated March 15, 2010 Docket No. 19677 In The Base Case

- MOTION BY AFFINA GROUP HOLDINGS, INC., AFFINA CANADA CORP. AND BREAK PARTS, INC. TO: (A) VACATE CERTAIN PRIOR ORDERS OF THE COURT; (B) DISMISS THE COMPLAINT WITH PREJUDICE; OR (C) IN THE ALTERNATIVE, TO DISMISS THE CLAIMS AGAINST CERTAIN DEFENDANTS NAMED IN THE COMPLAINT AND TO REQUIRE PLAINTIFFS TO FILE A MORE DEFINITE STATEMENT FILED WITH RESPECT TO ADVERSARY PROCEEDING NO. 07-02198(RDD). Docket No. In Base Case 19959

- MOTION BY MSX INTERNATIONAL, INC. TO: (A) VACATE CERTAIN PRIOR ORDERS OF THE COURT; (B) DISMISS THE COMPLAINT WITH PREJUDICE; (C) DISMISS THE CLAIMS AGAINST CERTAIN DEFENDANTS NAMED IN THE COMPLAINT; AND (D) DISMISS CLAIMS BASED ON ASSUMED CONTRACTS; OR (E) IN THE ALTERNATIVE, REQUIRE PLAINTIFFS TO FILE A MORE DEFINITE STATEMENT IN ADVERSARY PROCEEDING NO. 07-02484-(RDD). Base Case Docket No. 19995

- MOTION BY VALERO CLIMATE CONTROL, ET AL., TO: (A) VACATE CERTAIN PRIOR ORDERS OF THE COURT; (B) DISMISS THE COMPLAINT WITH PREJUDICE; (C) DISMISS THE CLAIMS AGAINST CERTAIN DEFENDANTS NAMED IN THE COMPLAINT; AND (D) DISMISS CLAIMS BASED ON ASSUMED CONTRACTS; OR (E) IN THE ALTERNATIVE, REQUIRE PLAINTIFFS TO FILE A MORE DEFINITE STATEMENT IN ADVERSARY PROCEEDING NO. 07-02534(RDD). Base Case Docket No. 20009

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
Attorneys for Defendant  
500 Fifth Avenue, Suite 1815  
New York, NY 10018  
Telephone: (212) 704-4400  
Fax: (212) 704-4410  
Susan I. Robbins (SR 5759)

and

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
Attorneys for Defendant  
150 West Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
Telephone: (313) 963-6420  
Fax: (313) 496-8450  
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Defendant.

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**CERTIFICATE OF SERVICE**

Donald J. Hutchinson hereby certifies that, on June 30, 2010, he served a copy of the foregoing Joinder of Kostal of America Inc. in Motions to: (I) Vacate Certain Prior Orders of the

Court Establishing Procedures for Certain Adversary Proceedings; (II) Dismiss the Complaint with Prejudice; or (III) in the Alternative, to Require Plaintiffs to File a More Definitive Statement upon counsel for the Plaintiff and reorganized debtors first-class U.S. mail, postage prepaid and addressed as follows:

Daniel F. X. Geoghan, Esq.  
Togut Segal & Segal LLP  
One Penn Plaza  
Suite 3335  
New York, NY 10119

Eric B. Fisher, Esq.  
Butzel Long  
380 Madison Avenue, 22nd Floor  
New York, NY 10017

The Honorable Robert D. Drain  
United States Bankruptcy Judge  
Chambers  
Charles L. Brieant, Jr. United States Courthouse  
300 Quarropas Street, 2nd Floor  
White Plains NY 10601-4150

/s/ Donald J. Hutchinson

Donald J. Hutchinson (P39545)  
Miller, Canfield, Paddock and Stone, P.L.C.  
150 West Jefferson Avenue, Suite 2500  
Detroit, MI 48226  
Telephone: (313) 963-6420  
Fax: (313) 496-8450  
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